

§ 152-10. Regulation and licensing of dogs; keeping venomous snakes.

A. License required. Every person residing in the city who owns a dog which is more than five months of age on January 1 of any year shall annually, at the time and in the manner prescribed by law for the payment of personal property taxes, obtain a license therefor.

B. Fees. The owner shall pay to the City Clerk annually a fee as provided in § 152-2 of this chapter. In lieu of any other penalty, a late fee as provided in § 152-2 shall be assessed and collected pursuant to § 174.05, Wis. Stats., to any owner of a dog five months of age or over, if the owner failed to obtain a license prior to April 1 of each year, within 30 days of acquiring ownership of a licensable dog or if the owner failed to obtain a license on or before the dog reached licensable age.

C. Issuance of license. Upon payment to the Director of Finance and Administration of the required fee, the Director of Finance and Administration shall issue to such person a license to keep the dog for one year, and the person shall, upon procuring the license, place upon the dog a collar with a tag furnished to him by the Director of Finance and Administration or the County Clerk. [Amended 7-23-2002 by Ord. No. 2180]

D. State regulations. Chapter 174, Wis. Stats., pertaining to licensing of dogs, is made a part of this section by reference.

E. Number of dogs limited. No person shall keep more than four dogs over five months of age upon any premises within any residential district within the city as hereinafter defined, except in a dog pound established under this section. The residential district is any part of the city in which two or more occupied residences are within 500 feet of each other. "Premises" means all contiguous lands owned or occupied by the same owners or tenants.

F. Dogs not to run at large. No owner, keeper or person in control or having custody of a dog shall allow the same to go off the premises of such owner, keeper or person having custody of the dog, unless the dog is accompanied by the owner, keeper or person having custody of the dog or a member of his family of suitable age and discretion and the dog is on a leash. No person shall have more than two dogs on a leash off of the premises of the owner, keeper or person having custody of the dogs at any time. This subsection does not prohibit the owner or keeper from allowing a dog to run at large upon premises owned and occupied by the owner or keeper of the dog and from allowing the dog to run at large on other premises, provided permission therefor is obtained from the owner or occupant of the premises and provided further that the dog is under the custody, control or supervision and management of a person of suitable age and discretion.

G. Harboring certain dogs prohibited. No person shall own, harbor or keep any dog which:

- (1) Habitually pursues any vehicle upon any public street, alley or highway.
- (2) Assaults or attacks any person.

(3)Is vicious. A showing that a dog has bitten, attacked or injured any person shall constitute a prima facie showing that such dog is vicious.

(4)Habitually barks or howls to the annoyance of any two or more other persons.

H.Dog pound.

(1)Confinement of dogs. The Police Department or any other officer appointed by the Council shall apprehend any dog running at large within the city or which does any of the things prohibited under Subsection G and confine the same in a suitable dog pound.

(2)Enforcement. The Council shall from time to time appoint a qualified officer who shall apprehend and confine dogs in a pound as provided in this section and enforce this section, including the right to commence actions for the collection of any forfeiture imposed by this chapter. Such action shall be brought in the name of the city. The officer shall be paid such compensation as the Council shall determine by resolution.

(3)Disposition of unclaimed dogs. The keeper of the pound shall keep all dogs apprehended as provided herein for a period of seven days at the dog pound, unless sooner claimed by the owner or keeper, and if any dog is not reclaimed by the rightful owner within such time, the dog may be sold for the amount incurred in the apprehending, keeping and care of the dog or may be destroyed in a proper and humane manner.

(4)Owner or keeper to pay costs. The owner or keeper of any dog so confined may reclaim the dog at any time before the same is disposed of, upon payment of all costs and charges incurred in the apprehension, keeping and care of the dog. Such fees shall be as set by the Common Council for the apprehension and care of the dog, if such dog is reclaimed within 24 hours of apprehension. If the dog is reclaimed at any time after 24 hours of apprehension, up to and including the seventh day, the fee shall be as set by the Common Council, plus any expenses for inoculations or other medical treatment of the dog.

(5)Owner or keeper to post bail.

(a)The owner or keeper of any dog so confined shall, in addition to any costs required to be paid under Subsection H(4), be required to post bail in the following amounts prior to reclaiming such dog:

[1]First offense involving such dog within one calendar year: \$5.

[2]Second offense involving such dog within one calendar year: \$10.

[3]Third offense involving such dog within one calendar year: \$15.

[4]Fourth or more offense involving such dog within one calendar year: \$25.

(b)The bail shall be posted at the office of the Police Department, and the provisions of Chapter 261, Vehicles and Traffic, § 261-14, with reference to stipulations of guilt or nolo contendere and delivery of forfeitures and bail, shall apply in the same manner.

I.Waste products and manure accumulations. The owner or person in charge of any domestic animal shall not permit solid fecal matter of the animal to be deposited on any street, alley or other public or private property, unless the fecal matter is immediately removed therefrom by the owner or person in charge. The owner or person in charge of any private property shall not permit solid fecal matter of animals to accumulate in the public right-of-way.

J.School property. No owner, keeper or person in control of a dog shall allow the dog on lands owned or used by the city public schools. This prohibition shall not include disabled persons, as that term would be defined by applicable state or federal law or regulation, whose handicap requires the use of specially trained dogs.

K.No person shall own, harbor, import, keep or possess any nondomestic venomous snakes in the City of New Berlin without notification to and approval by the City of New Berlin Police Department.